

REMARKS

The Applicant respectfully requests reconsideration in view of the following remarks and amendments. Claims 1, 5 and 10 are amended. No claims have been added or cancelled. Accordingly, claims 1-11 are pending in the application.

I. Objections to the Abstract

The Examiner has objected to the Abstract for informalities. The abstract has been amended per the Examiner's comments. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection of the Abstract.

II. Objections to the Specification

The Examiner has objected to several sections of the Specification for informalities. The Applicant provides the following amendments and remarks in order to fulfill these formality requirements.

The word "Intergraded" on page 2, line 16 has been replaced with the word "Integrated" per the Examiner's request.

The word "constitution" on page 2, line 35 has been replaced with the word "constituting" per the Examiner's request.

The word "rout" on page 4, line 8 has been replaced with the word "route" per the Examiner's request.

The word "form" on page 2, line 16 has been replaced with the word "from" per the Examiner's request.

The word "form" on page 7, line 9 has been replaced with the word "from" per the Examiner's request.

The phrase "RIB 307" on page 11, line 16 has been replaced with the phrase "RIB 305" per the Examiner's request.

The term "PMS" on page 3, line 23 has been replaced with the phrase "Property Management System (PMS)."

The Examiner is unclear on the distinction between "ATM at a physical layer is applied" and "the ATM is applied." The distinction is commonly known to a person of ordinary skill in the relevant art. The ATM at a physical layer is "[a]nalogous to the physical layer of the OSI reference model." (<http://homepages.uel.ac.uk/u0216401/webpage/ATM%20architecture.htm#c>).

“[T]he ATM physical layer manages the medium-dependent transmission.” (*Id.*). In contrast, “[T]he ATM layer is roughly analogous to the data link layer of the OSI reference model.” (*Id.*). “The ATM layer is responsible for the simultaneous sharing of virtual circuits over a physical link (cell multiplexing) and passing cells through the ATM network (cell relay).” (*Id.*). The Applicant believes this explanation clearly defines the distinction between “ATM at a physical layer is applied” and “the ATM is applied” and that this would have been known to a person of ordinary skill in the relevant art.

The phrase “forcibly execute” on page 9, line 10 has been replaced by the word “access.” The Applicant believes this clearly defines the function being performed.

The Examiner argues that “ATM pool number” and “ATM header pool” have not been precisely defined in the specification. Applicant believes that these elements have been precisely defined by the Specification. ATM pool numbers are associated with each machine identification number. (*See* page 10, lines 12-17). The pool number, for example, is utilized by a requested ID broker to reference machines in an instruction. (*See Id.*). The network access server contains an ATM header pool which stores the ATM pool number, IP address, and machine ID number. (*See Id.*). The Applicant believes these sections of the Specification sufficiently define “ATM pool numbers” and “ATM header pools.”

Based on the preceding remarks and amendments, Applicant respectfully requests reconsideration and withdrawal of the objection of the Specification.

III. Objections to the Claims

The Examiner has objected to claim 1 for informalities. Claim 1 has been amended in accordance with the Examiner’s comments. The phrase “allocated” has been changed to “allocate.” Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection of claim 1.

IV. Claims Rejected Under 35 U.S.C. § 112

Examiner rejects claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner argues that “‘asynchronous transfer mode (ATM) pool number’ is not precisely defined in the specification and its linking with the ID number of the access-requested terminal is ambiguous.” Applicant believes that this element of claim 1 is

precisely defined by the Specification. ATM pool numbers are associated with each machine identification number and the set is stored in an ATM header pool. (*See* page 10, lines 12-17). The pool number, for example, is utilized by the disclosed system to reference machines for allocating IP addresses. (*See Id.*). Thus, “ATM pool number” is precisely defined by the specification. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

V. Claims Rejected Under 35 U.S.C. § 102

To anticipate a claim, a single reference must disclose each element of that claim. Thus, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Also, “[t]he elements must be arranged as required by the claim.” *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) and MPEP § 2131.

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2001/0004361 by Yoshikazu Kobayashi (hereinafter “Kobayashi”). Applicant respectfully disagrees with the above claim rejections for the following reasons.

In regard to claim 1, this claim has been amended to include the limitations of “the IP control means for determining whether an IP address is allocated to the access-requested terminal and controlling an IP address allocation means to allocate an available IP address to the access-requested terminal which is inactive and has no assigned IP address, by using an asynchronous transfer mode (ATM) pool number corresponding to the ID number of the access-requested terminal” (emphasis added). These limitations are supported, for example, by page 9, lines 3-8 of the Specification. Applicant believes that Kobayashi does not disclose these elements of the claim. Kobayashi discloses a telephone controller for VoIP, which includes an IP allocating circuit, a memory and a control unit. In Kobayashi, the private IP address is created automatically by the IP address allocating circuit 122 each time the telephone moves from the inactive state to the active state as described in paragraph 0027 lines 13-16. Accordingly, in Kobayashi, VoIP service cannot be performed when the requested terminal is in the inactive state.

However, in the present application, real time communication using a Voice Over Internet Protocol (VoIP) in an ADSL system can be established by solving the problem of IP collection. The RIB 305 allows communication between two points by forcing the NAS 304 to

access the ADSL modem 309 of the user terminal B 310, which is requesting access, and the ADSL modem 302 of a user terminal A 301, which is not connected, and forcibly allocating an IP address to the user terminal A 301 and returning the allocated IP to the user terminal B 310.

Therefore, Kobayashi fails to teach or disclose an IP control means for determining whether an IP address is allocated to the access-requested terminal and controlling an IP address allocation means to allocate an available IP address to the access-requested terminal which is inactive and has no assigned IP address. Thus, Kobayashi fails to disclose each element of this claim, and therefore cannot form the basis of a rejection under 35 U.S.C. § 102. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

Claim 4 depends from independent claim 1 and incorporates the limitations thereof. Thus, at least for the reasons discussed above in regard to the independent claim 1, Kobayashi does not disclose each element of dependent claim 4. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

Claims 5 and 7-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,272,129 issued to Dynarski et al. (hereinafter “Dynarski”). Applicant respectfully disagrees with the above claim rejections for the following reasons.

In regard to claim 5, this claim has been amended to include the limitations of “controlling a network access server (NAS) to allocate an IP address to the access-requested terminal by using an ATM pool number corresponding to the MIN of the access-requested terminal in case that the access-requested terminal is inactive and has no IP address” (emphasis added). These limitations are supported, for example, by page 9, lines 3-8 of the Specification. Applicant believes that Dynarski does not disclose these elements of the claim. Dynarski discloses a dynamic allocation of wireless mobile nodes over an Internet Protocol (IP) network. In Dynarski, in the event that the mobile node location server does not find an IP address for the device in the table, the device is paged via the wireless communications network. In response to the page, the mobile device dials into the wireless communications network. The mobile device initiates a connection with the IP network by virtue of an established PPP connection between one of the network access servers on the LAN and mobile switching center and base station in the wireless network. However, Dynarski fails to teach or disclose the steps of controlling a network access server (NAS) to allocate an IP address to the access-requested terminal by using an ATM pool number corresponding to the MIN of the access-requested terminal in case that the

access-requested terminal is inactive and has no IP address; and transferring the allocated IP address of the access-requested terminal from the RIB to the access-requesting terminal through the PND to establish a connection between the access-requesting terminal and the access-requested terminal. Thus, Dynarski fails to disclose each element of this claim, and therefore cannot form the basis of a rejection under 35 U.S.C. § 102. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

Claims 7-9 depend from independent claim 5 and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to the independent claim 5, Dynarski does not disclose each element of dependent claims 7-9. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

VI. Claims Rejected Under 35 U.S.C. § 103

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application No. 2001/0004361 by Yoshikazu Kobayashi (hereinafter “Kobayashi”) in view of U.S. Patent No. 6,275,490 issued to Mattaway et al. (hereinafter “Mattaway”). Claims 6, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,272,129 issued to Dynarski et al. (hereinafter “Dynarski”) in view of “Mattaway”. To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

Claims 2 and 3 depend from independent claim 1 and incorporate the limitations thereof. The Examiner’s argument assumes that Kobayashi discloses all elements of claim 1 which are incorporated in dependent claims 2 and 3. However, as discussed above in the Applicant’s argument over the 35 U.S.C. § 102(b) rejections, Kobayashi does not disclose all the limitations of amended claim 1. Furthermore, Examiner has not provided any argument regarding Mattaway’s coverage of these limitations. Moreover, after reviewing Mattaway the Applicant has been unable to locate any sections therein which cure the deficiencies of Kobayashi. Thus, the

combination of Kobayashi and Mattaway do not teach or suggest each element of claims 2 and 3. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

In regard to claim 10, this claim has been amended to include elements analogous to those of claim 5, such as “controlling a network access server (NAS) to allocate an IP address to the access-requested terminal by using an ATM pool number corresponding to the MIN of the access-requested terminal in case that the access-requested terminal is inactive and has no IP address” (emphasis added). These limitations are supported, for example, by page 9, lines 3-8 of the Specification. The Examiner argued that these limitations are taught by Dynarski. For at least the reason discussed above in the Applicant’s argument over the 35 U.S.C. § 102(e) rejection of claim 5, Applicant submits that Dynarski does not disclose these elements of amended claim 10. Furthermore, Examiner has not provided any argument regarding Mattaway’s coverage of these limitations. Moreover, after reviewing Mattaway the Applicant has been unable to locate any sections therein which cure the deficiencies of Dynarski. Thus, the combination of Kobayashi and Mattaway does not teach or suggest each element of claim 10. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

Claims 6 and 11 depend from independent claims 5 and 10, respectively, and incorporate the limitations thereof. The Examiner’s argument assumes that Dynarski disclose all elements of claims 5 and 10 which are incorporated in dependent claims 6 and 11. However, as discussed above in the Applicant’s arguments over the 35 U.S.C. § 102(b) rejection of claim 5 and the 35 U.S.C. § 103(a) rejection of claim 10, Dynarski does not disclose all the limitations of amended claims 5 and 10. Furthermore, Examiner has not provided any argument regarding Mattaway’s coverage of these limitations. Moreover, after reviewing Mattaway the Applicant has been unable to locate any sections therein which cure the deficiencies of Dynarski. Thus, the combination of Dynarski and Mattaway does not teach or suggest each element of claims 6 and 11. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-11, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(310) 207-3800

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Suzanne Johnston

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Date